

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|----------------------------------|----------|----------------------------|
| UNITED STATES OF AMERICA | : | |
| v. | : | CRIMINAL NO. 20-233 |
| LORE-ELISABETH BLUMENTHAL | : | |

ORDER

AND NOW, this day of , 2020, upon consideration of the Government's Motion for Unsealing of the Findings of Fact and Conclusions of Law, and the corresponding Order of the Court, Docket Numbers 22 and 23, it is ORDERED that the government's motion is GRANTED.

Accordingly, IT IS HEREBY ORDERED that Docket Number 23 shall be UNSEALED. A redacted version of Docket Number 22 is to be entered onto the public docket as a new entry.

BY THE COURT:

HONORABLE C. DARNELL JONES, II
Judge, United States District Court

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA :

v. :

CRIMINAL NO. 20-233

LORE-ELISABETH BLUMENTHAL :

**GOVERNMENT'S MOTION FOR UNSEALING OF THE COURT'S ORDER
AND A REDACTED VERSION OF THE COURT'S FINDINGS OF FACT
AND CONCLUSIONS OF LAW**

The United States of America, by and through its counsel, William M. McSwain, United States Attorney for the Eastern District of Pennsylvania, and Amanda R. Reinitz, Assistant United States Attorney for the district, respectfully requests that the Court grant its Motion to Unseal the Order dated August 11, 2020, and unseal a redacted version of the Findings of Fact and Conclusions of Law issued on the same date.

A. Background

On June 15, 2020, a warrant was issued for the defendant's arrest, charging her with two counts of 18 U.S.C. § 844(f)(1) and (f)(2). These charges resulted from the defendant setting two police cars on fire, while surrounded by dozens of people, on May 30, 2020. On June 19, 2020, Magistrate Judge Marilyn Heffley granted the government's motion for pretrial detention. The defendant stipulated that there was probable cause for her arrest on the same day. On June 22, 2020, the defendant filed an appeal to the Magistrate's Detention Order, seeking *de novo* review of the Detention Order. On August 5, 2020, the defendant was indicted by a federal grand jury for her actions on May 30, 2020. After submissions by both parties, and several

hearings, this Court issued Findings of Fact and Conclusions of Law (Docket Number 22) and an accompanying Order (Docket Number 23) on August 11, 2020. These documents were filed under seal. The government now respectfully moves for the unsealing of the Order of this Court, and the unsealing of a redacted version of the Findings and Fact and Conclusions of Law.

B. Discussion

The government respectfully requests the unsealing of these documents due to the public's right to access of these documents.

The public has both a First Amendment and a common law right of access to court proceedings and documents. The Third Circuit most recently addressed this in *In re Avandia Mktg., Sales Practices & Prod. Liab. Litig.*, 924 F.3d 662 (3d Cir. 2019). In that case, the Court, addressing only the common law right, stated that there is a presumption of access, and to overcome it and seal a document, a court must review and make findings regarding each document, and give third parties an opportunity to be heard. The Court mentioned the First Amendment right of access, which affords a right of access to trial proceedings which may be overcome only with an overriding interest in secrecy, but found it unnecessary to resolve whether it applied to the summary judgment proceedings at issue there. Judge Restrepo wrote separately to state that he would find that the First Amendment right applied in the pretrial context as well.

Thus, while this case is still in the pretrial stage, the public has shown an indisputable interest in this criminal prosecution, and the decision as to the defendant's detention pending trial.

To the extent that the defendant may have an interest in limiting public disclosure of the medical conditions that she has raised as a basis for her release, the government proposes that the Court issue publically a redacted version of its Findings of Fact and Conclusions of Law. A proposed redacted version is being filed separately, under seal in light of the Court's sealing of the original Findings of Fact and Conclusions of Law.

C. Conclusion

For the foregoing reasons, the government respectfully requests that the Court unseal the Order of this Court dated August 11, 2020, and unseal a redacted version of the Findings and Fact and Conclusions of Law issued the same day.

A proposed form of Order is attached.

WILLIAM M. McSWAIN
UNITED STATES ATTORNEY

/s Amanda R. Reinitz
AMANDA R. REINITZ
Assistant United States Attorney

CERTIFICATE OF SERVICE

I certify that a copy of the Government's Motion for Unsealing of the Findings of Fact and Conclusions of Law, and the corresponding Order of the Court was served by e-mail on the following defense counsel:

Paul J. Hetznecker, Esquire
1420 Walnut Street
Suite 911
Philadelphia, PA 19102
phetznecker@aol.com

/s Amanda R. Reinitz
AMANDA R. REINITZ
Assistant United States Attorney

Date: August 14, 2020